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| 10/564,893 | 01/17/2006 | Shai Stein | STEIN 10 | 3440 |
| 1444 7590 08/22/2008 BROWDY AND NEIMARK, P.L.L.C. 624 NINTH STREET, NW SUITE 300 WASHINGTON, DC 20001-5303 | | | EXAMINER ANWAR, MOHAMMAD S | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/564,893

Applicant(s)

STEIN ET AL.

Examiner

MOHAMMAD ANWAR

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) 6-25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 17 January 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 10/564,893.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SI.08)
Paper No(s)/Mail Date 1/17/06
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to because Figures 1-4 should be labeled with descriptive legends e.g. VPC (Virtual Path Connection). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claims 1-25 are objected to because of the following informalities:

In claim 1 line 1 recites "VC-layer and VP-layer parameters" which seems to refer to "VC-layer and VP-layer parameters" in claim1 lines 5-6. If this is true, it is suggested to change "VC-layer and VP-layer parameters" to ----the VC-layer and VP-layer parameters----. Similar problem exists in claim 2 line 9.

In claim 2 line 4 recites "a plurality of ATM cells" which seems to refer to "ATM cells" in line 2 of claim 1. If this is true, it is suggested to change "a plurality of ATM cells" to ----the plurality of ATM cells----.

Claims 3-5 are objected because they are dependent on claim 1.

3. Claims 6-25 objected to under 37 CFR 1.75(c) as being in improper form because they are multiple dependent claims which depend on multiple dependent claims. See MPEP § 608.01(n). Accordingly, the claims 6-25 have not been further treated on the merits.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 2- 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

For claim 2 line 7 recites "the statistical database" which has no antecedent basis. Similar problem exists in claim 3 line 3, line 7, claim 4 line 3.

For claim 2 lines 13-14 recites "the processing result" which has no antecedent basis.

For claim 2 line 4 recites "the same packet" which has no antecedent basis.

For claim 2 line 5 recites "the same value" which has no antecedent basis.

For claim 2 line 16 recites "the ATM traffic" which has no antecedent basis.

For claim 5 lines 4-5 recites "the incoming cells" which has no antecedent basis.

For claim 5 line 6 recites "the other parameters" which has no antecedent basis.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being patentable by VanDervort et al. (5761191).

For claim 1, VanDervort et al. disclose a method of handling ATM traffic (see column 7 lines 48-54) comprising packets of AAL5 type (see table 1 column 16) composed of ATM cells (see column 10 lines 37-39), at a network node at VP-layer (see column 8 lines 24-28) , the method comprising:

- monitoring each of the cells incoming the node to obtain information at least on its VC-layer and VP-layer parameters (see column 9 lines 65-67 and column 10 lines 1-3, column 15 lines 16-22),
- processing information on the parameters (see column 15 lines 49-67),
- registering the processed information concerning each of the cells in a-statistical database to obtain statistical data with respect to at least VC-layer and VP-layer parameters of the packets being handled at the node (see column 6 lines 25-37, and column 16 lines 42-64).

For claim 2, VanDervort et al. disclose wherein each of the packets belongs to a particular VCC (Virtual Channel Connection) (see column 3 lines 9-12) and a particular VPC (Virtual Path Connection) (see column 3 lines 9-12), and wherein each the packet comprises a plurality of ATM cells (see column 2 lines 4-24, lines 63-67, column 3 lines 1-8), all cells of the same packet carrying the same value of VC-index (VCI) and the same value of VP-index (VPI) (see column 3 lines 34-40), the method comprises: providing the statistical database (see column 14 lines 51-59), monitoring each of the cells incoming the node to obtain information at least on its VC-layer and VP-layer parameters by determining VPI and VCI values of the cell (see column 9 lines 65-67 and column 10 lines 1-3, column 15 lines 16-22); processing the information by processing the determined at least VCI and VPI values of each of the monitored cells (see column 15 lines 49-67), and registering the processed information by inserting the processing result per each of the monitored cells in the statistical database, thereby enabling awareness of the network node about VCCs at the VP layer

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and frequency of their appearance in the ATM traffic being handled (see column 6 lines 25-37, and column 16 lines 42-64).

For claims 3 and 4, VanDervort et al. disclose wherein the node has one or more ATM Interfaces (see column 8 lines 24-52), the method comprises providing one or more the statistical databases for respectively serving the one or more ATM Interfaces (see column 9 lines 6-17, column 9 lines 65-67, column 10 lines 1-3 and column 14 lines 51-59).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

11. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over VanDervort et al. in view of Chiu et al. (6597689).

For claim 5, VanDervort et al. disclose the method also comprising monitoring each of the incoming cells from the point of that additional parameter (see column 9 lines 65-67 and column 10 lines 1-3, column 15 lines 16-22) , processing the additional parameter together with the other parameters (see column 15 lines 49-67) and registering the processing result in the common statistical database (see column 6 lines 25-37, and column 16 lines 42-64). VanDervort et al. disclose all the subject matter but fails to mention comprising an additional step of indicating a particular ATM Interface for each ATM cell received there-through, by an additional parameter being a unique ATM Interface index (Ifindex). However, Chin et al. from a similar field of endeavor disclose comprising an additional step of indicating a particular ATM Interface (see column 62 lines 5-8), each ATM cell received there-through (see column 17 lines 13-28), by an additional parameter being a unique ATM Interface index (Ifindex) (see column 80 lines 12-23). Thus, it would have been obvious to one ordinary skill in the art at the time invention was made to include Chiu et al. Ifindex parameter into VanDervort et al.

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statistics collection. The method can be implemented in the software table. The motivation of doing this is to identify each port in a node that originates proxy call

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kozaki et al. (5530698) and Allan et al. (5946313).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MOHAMMAD ANWAR whose telephone number is (571)270-5641. The examiner can normally be reached on Monday-Thursday, 9am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dang Ton can be reached on 571-272-3171. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MOHAMMAD ANWAR
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